

Exhibit 28

1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF NEW YORK
3
4 BLACK LOVE RESISTS IN THE RUST, et al.,
5 individually and on behalf of a class of
 all others similarly situated,

6 Plaintiffs,

7 - v s - 1 : 18-cv-00719-CCR

8 CITY OF BUFFALO, N.Y., et al.,

9 Defendants.

11 ORAL EXAMINATION OF DAVID WILCOX
12 APPEARING REMOTELY FROM
13 SARASOTA COUNTY, FLORIDA

16 Thursday, November 4, 2021

17 9:02 a.m. - 2:47 p.m.

18 pursuant to notice

21 | REPORTED BY:

22 Carrie A. Fisher, Notary Public

23 APPEARING REMOTELY FROM ERIE COUNTY, NEW YORK

—DEPAOLO CROSBY REPORTING SERVICES, INC.—

135 Delaware Avenue, Suite 301, Buffalo, New York 14202
716-853-5544

REMOTE APPPEARANCES

APPEARING FOR THE PLAINTIFFS:

WESTERN NEW YORK LAW CENTER
BY: KEISHA WILLIAMS, ESQ.
Cathedral Park Tower
37 Franklin Street, Suite 2
Buffalo, New York 14202
(716) 828-8415

**NATIONAL CENTER FOR LAW AND ECONOMIC
JUSTICE**
BY: ANJANA MALHOTRA, ESQ.
275 Seventh Avenue, Suite 1506
New York, New York 10001
(212) 633-6967

APPEARING FOR THE DEFENDANTS:

CITY OF BUFFALO LAW DEPARTMENT
BY: ROBERT E. QUINN,
ASSISTANT CORPORATION COUNSEL
1100 City Hall
65 Niagara Square
Buffalo, New York 14202
(716) 851-4326

ALSO PRESENT:

CHINYERE EZIE, ESQ.
Center for Constitutional Rights

CHRISTINE NELSON, ESQ.
Covington & Burling LLP

DAVID WILCOX - BY MS. WILLIAMS - 11/04/21

1 Q. And was the practice to issue for all
2 violations observed?

3 A. All violations? Well, I would say there is
4 discretion involved there. I mean, maybe
5 there is a valid reason like somebody just
6 struck my headlight an hour ago and I haven't
7 been able to get it fixed. There is no reason
8 to write that person for that because the
9 light just got broken. Or somebody just got a
10 ticket yesterday for the taillight that was
11 out and they haven't been able to get it fixed
12 yet but they want to.

13 Q. Okay. So the decision whether or not to issue
14 tickets was based on the officer's discretion,
15 correct?

16 MR. QUINN: Form.

17 A. I would say discretion and common sense.

18 Q. Did you communicate that officers should issue
19 as many tickets as possible?

20 MR. QUINN: Form.

21 A. Communicate? No, I have no reason to. The
22 officers wrote plenty of tickets, trust me.

23 Q. Was there any policy or practice on issuing a

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DAVID WILCOX - BY MS. WILLIAMS - 11/04/21

1 ticket?

2 MR. QUINN: Form.

3 A. No, there was no quotas ever. There was no
4 administrative pressure to go out and write
5 tickets, you know. They were plentiful
6 because there was so many traffic violations.

7 Q. Was issuing tickets considered productive?

8 MR. QUINN: Object to form.

9 A. Productive?

10 Q. Yeah.

11 A. Well, productive in the sense that it brought
12 compliance with the V&T laws hopefully.

13 Q. Were officers required to get yours or any
14 supervisor's approval before issuing a traffic
15 summons at a checkpoint?

16 A. You faded at the end.

17 Q. I am sorry. Were officers required to get a
18 supervisor's approval before issuing tickets
19 or summonses at a checkpoint?

20 MR. QUINN: Form.

21 A. No.

22 Q. What factors did officers consider in deciding
23 whether or not to write a ticket?

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1 STATE OF NEW YORK)

2 COUNTY OF ERIE)

3

4 I, Carrie A. Fisher, Notary Public, in and
5 for the County of Erie, State of New York, do
6 hereby certify:

7 That the witness whose testimony appears
8 hereinbefore was, before the commencement of
9 their testimony, duly sworn to testify the
10 truth, the whole truth and nothing but the
11 truth; that said testimony was taken remotely
12 pursuant to notice at the time and place as
13 herein set forth; that said testimony was
14 taken down by me and thereafter transcribed
15 into typewriting, and I hereby certify the
16 foregoing testimony is a full, true and
17 correct transcription of my shorthand notes so
18 taken.

19 I further certify that I am neither counsel
20 for nor related to any party to said action,
21 nor in anyway interested in the outcome
22 thereof.

23 IN WITNESS WHEREOF, I have hereunto
24 subscribed my name and affixed my seal this
25 1st day of December, 2021.

26 

27 -----
28 Carrie A. Fisher
29 Notary Public - State of New York
30 No. 01FI6240227
31 Qualified in Erie County
32 My commission expires 5/02/23

33 DEPAOLO CROSBY REPORTING SERVICES, INC.

34 135 Delaware Avenue, Suite 301, Buffalo, New York 14202
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